

INFORMATION DISCLOSURE STATEMENT

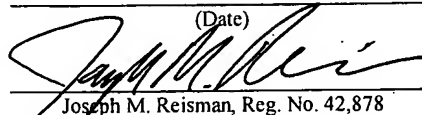
Applicant : Larry Eugene West
App. No : 10/723,168
Filed : November 26, 2003
For : INTEGRATED BIO-REACTOR
MONITOR AND CONTROL SYSTEM
Examiner : Bowers, Nathan Andrew
Art Unit : 1744

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 19, 2006

(Date)


Joseph M. Reisman, Reg. No. 42,878

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 10 references to be considered by the Examiner. Also enclosed are the 10 non-patent references as listed on the Information Disclosure Statement.

This IDS is being filed in the present U.S. Patent Application 10/723,168, entitled "Integrated Bio-Reactor Monitor and Control System" filed November 26, 2003, and in related U.S. Patent Application 11/057,079, entitled "Integrated Bio-Reactor Monitor and Control System" filed February 10, 2005. The '079 Application is a continuation-in-part of this '168 Application. Both applications are assigned to Broadley-James Corporation ("BJC"). These applications disclose, *inter alia*, apparatuses and methods relating to BJC's BioNet[®] Bioreactor Control System ("BioNet[®]"). Larry West is the sole named inventor on the Applications and, at the time the Applications were filed, was an officer of BJC. Mr. West executed appropriate Inventor's Declarations and Assignments to BJC for each of the Applications. (References 1 and 2). Subsequently, Mr. West left BJC and became employed by Finesse, LLC.

The materials listed in this IDS labeled FI00000049-FI00000269 (Reference 4, hereinafter referred to as the "Mantha Materials") were first shown to the undersigned, counsel for BJC, on July 25, 2006, in the San Francisco offices of Latham & Watkins by Mr. Charles Crompton,

counsel for Finesse, for Mr. West, and for Michael Mantha. Mr. Crompton asserted that these documents supported Finesse's allegation that Mr. Mantha is an (unnamed) inventor of subject matter claimed in the Applications. Subsequently, on August 1, 2006, Mr. Crompton sent the undersigned a letter (Reference 3) enclosing copies of the Mantha Materials (Reference 4) for the opportunity to make a more complete review. As discussed in detail below, Mr. Mantha had previously worked with Mr. West for BJC, first as an employee of Caltrol, Inc., and then as a consultant of AdvanceTech Solutions.

As noted above, Finesse has asserted that Mr. Mantha is an unnamed inventor of the Applications. However, aside from a general allegation that Mr. Mantha contributed to the production of a prototype, Finesses has not specifically identified the subject matter that Mr. Mantha allegedly invented, or how the Mantha Materials might establish that Mr. Mantha is an inventor. Mr. Crompton's letter of August 1, 2006 (Reference 3) suggests that Finesse may possess or know of additional documents or information relating to its assertion that Mr. Mantha is a co-inventor. In a letter to Mr. Crompton dated August 24, 2006 (Reference 5), the undersigned requested that Mr. Crompton provide any additional documents or information related to Mr. Mantha's alleged inventorship, and also provide an explanation clarifying Finesse's specific assertions regarding inventorship by September 15, 2006. In his response dated September 5, 2006 (Reference 6), Mr. Crompton refused to provide additional documents or explanation of the Mantha Materials, stating "we see no reason to address your demands that Finesse supply even more evidence of Mr. Mantha's contributions."

The following background information is provided to give context to the Mantha Materials and permit the Examiner to consider these Materials appropriately. Further, to facilitate review of the Mantha Materials, a summary of these Materials is provided with reference to the documents' "bates" labels.

In late 2002, BJC began developing an automated bioreactor control system which is now known as the BioNet[®] Bioreactor Control System, or "BioNet[®]." On or about December 9, 2002, at an internal BJC meeting Mr. West presented a detailed system concept and configuration for the BioNet[®] as claimed to Scott Broadley, President of BJC, and two representatives from Caltrol, Inc. During his presentation, Mr. West represented certain details regarding the now claimed BioNet[®] system on a white board which was then recorded by BJC for documentation purposes. One example of a white board "screen shot" from the December 9,

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2002 meeting (Reference 10) is included herein. Mr. Mantha was not present at the December 9, 2002 meeting. Following this meeting, BJC diligently began developing actual prototypes of its BioNet[®] system. BJC developed the BioNet[®] through 2003, and during this time assembled one or more BioNet[®] prototypes.

In early 2003, one such BioNet[®] Prototype was evaluated by a third-party corporation. The results of the evaluation were documented in an internal corporate Evaluation Report dated March 12, 2003 (Mantha Materials FI0000108-FI0000126), generated by the third-party corporation. This Evaluation Report is not included in the submitted Mantha Materials (Reference 4) because it is confidential and proprietary to the third-party corporation. From early 2003 through January 2004, BJC continued to develop the BioNet[®]. During this time, BJC also coordinated with various companies to fabricate and build various components of the BioNet[®]; these companies included Caltrol, Emerson, and ATS, as evidenced by various purchase orders, correspondence sales orders, bill of materials, and product information included in the Mantha Materials (e.g., Mantha Materials FI0000127-FI0000150, FI0000153-FI0000160). During this time, BJC distributed certain detailed technical information describing certain aspects of BioNet[®] to Caltrol and ATS, including configuration information and BioNet[®] schematics, to permit production of systems to BJC's specifications.

In 2003 and early 2004, Mr. Mantha, as an employee of Caltrol, Inc. worked with BJC. Mantha, as a Caltrol employee, had access to BJC's BioNet[®] information through Caltrol and also had access to Caltrol work performed for BJC and relating to BioNet[®]. Mr. Mantha, along with Hasit Patel, also worked for ATS. On or about June 2003, Michael Mantha and ATS entered into a Confidential Disclosure Agreement (FI0000049-FI0000050) with BJC. With this Agreement in place, ATS supported BJC in fabricating, configuring and assembling a prototype of BJC's BioNet[®] system, and constructed as least one BioNet[®] system to BJC's specifications.

On November 26, 2003, BJC filed the first of the Applications, this U.S. Patent Application 10/723,168, entitled "Integrated Bio-Reactor Monitor and Control System." Mr. West (the sole named inventor in the Applications) signed a declaration affirming that he was the "original, first and sole inventor of the subject matter which is claimed" (Reference 1). Consistent with this statement and with BJC's investigation of inventorship, BJC did not claim (and does not intend to claim) subject matter that was invented by anyone other than Mr. West.

On or about late January, 2004, the relationship between BJC and Mr. Mantha and ATS deteriorated. BJC ultimately decided to part company from ATS and bring in-house the task of assembling the BioNet[®] systems. To ensure that BJC would maintain all relevant physical material from ATS, BJC offered to buy all BioNet[®] materials from ATS and requested a list of physical assets that ATS would like to have BJC purchase (FI0000054). Further to bringing its BioNet[®] assembly business in-house, BJC provided Mr. Mantha and Mr. Patel with proposed Assignments to transfer cover any and all right, title and interest ATS had in BJC's BioNet[®] materials. Both Mr. Mantha and Hasit Patel refused to sign the Assignments. Shortly thereafter, BJC retrieved its BioNet[®] material from ATS.

On February 10, 2005, BJC filed its second BioNet[®] patent application, the continuation-in-part of U.S. Patent Application 11/057,079, entitled "Integrated Bio-Reactor Monitor and Control System." Mr. West, while still an officer of BJC, signed another declaration, this time affirming that he was the "original, first and sole inventor of the subject matter which is claimed" of the continuation-in-part '079 Application. Consistent with this statement and BJC's investigation of inventorship, BJC did not claim (and does not intend to claim) subject matter that was invented by anyone other than Mr. West. As noted above, Mr. West subsequently left BJC and became an employee of Finesse. We also note here that Mr. Mantha left Caltrol and ATS and is currently represented by Mr. Crompton, who is also counsel for Finesse and Mr. West.

BJC's analysis of the Mantha Materials reveals that it contains no information explaining what Mr. Mantha is alleged to have invented, and contains no information that establishes Mr. Mantha invented subject matter claimed in the Applications. Importantly, as explained below, BJC's review of the documents *in their original form* reveals that some of the schematics included in the Mantha Materials (*e.g.*, FI0000249, FI0000261, and FI00000262 discussed below) have been altered from their original form.

For example, FI0000249, labeled as an ATS drawing, is a schematic titled "Pulse Amplifier Schematic" and includes a drawing number "P1-06110." FI0000249 does not identify who it was drawn by and when it was drawn. FI0000249 appears to be an altered copy of BJC's original document P1-06110 (Reference 7), which expressly indicates that it was drawn by Mervyn Baylon (MB) on May 14, 2003. BJC's original schematic is also correctly labeled as belonging to Broadley-James Corporation, not ATS as indicated on FI0000249.

Similarly, FI0000261 is a schematic titled "UT-2 Back Panel Assembly" and includes a drawing number "P1-06103." This schematic corresponds to BJC's original document P1-06103 (Reference 8). When compared to the BJC original schematic, FI0000261 appears to have been altered, for example, (i) to remove Mervyn Baylon's initials "MB," indicating that he was the original author, (ii) to remove the Broadley-James Corporation name, and (iii) to remove a portion of the schematic enumerated as "16." Portion "16" is present on BJC's original schematic but is missing in FI0000261 where the "16" arrow points to a blank space. Furthermore, FI0000261 includes added labels "RTD1" and "RTD2" on enumerated portion "15," and added labels "-1" and "-2" on enumerated portions "5" and "7" respectively.

Similarly, FI0000262 is a schematic titled "Utility Cabinet Wiring Diagram" and includes a drawing number "P1-06103." This schematic corresponds to BJC's original drawing P1-06103 (Reference 9). When compared to the BJC original schematic, FI0000262 appears to have been altered, for example, (i) to remove the initials of the original author Mervyn Baylon, (ii) to remove the "Broadley-James Corporation" name which was centered below the schematic, and (iii) to remove a device in the top center of the schematic.

Mantha Materials FI0000249, FI0000261, and FI0000262 are three examples of documents in the Mantha Materials that appear to be altered from their original form. Generally, all of the schematics and diagrams in the Mantha Materials FI0000249-269 appear to contain at least some alterations from their original form. These alternations remove, *inter alia*, indicia regarding the true origin and creator of the document, as well as other relevant information.

As stated above, Mr. Crompton has failed to specifically inform BJC what specific subject matter Mr. Mantha is to have invented, and has instead generally stated in his letter of August 1, 2006, that the Mantha Materials establish "Mr. Mantha invented what is claimed in the patent applications referred to in your letter" (referring to BJC's Patent Applications). The undersigned observes, nonetheless, that many of the Mantha Materials (*e.g.*, FI0000257, FI0000258, FI0000260, and FI0000264) relate to the cabinet and enclosure of the BioNet[®], rather than operative system components. The cabinet enclosure, however, is not a claimed feature in the Applications.

Other of the Mantha Materials, *e.g.*, FI0000249, relate to a circuit. BJC has not pursued claims directed to such a circuit. The Mantha Materials show that Mr. Mantha recognized his alleged contribution was "small." *See*, FI0000073. Thus, Mr. Mantha may believe that he

developed the circuit illustrated on FI0000249. To remove any and all doubt, BJC submits herewith a preliminary amendment cancelling Claims 35-37 of the '168 Application. Cancelled Claims 35-37 are the only claims reciting means-plus-function limitations that could conceivably be construed as reciting such a circuit. Accordingly, even if Mr. Mantha had invented the circuit depicted in FI00000249, that circuit is not a recited element of any pending claim in either of the Applications.

The Mantha Materials contains hundreds of pages of correspondence, agreements, invoices, drawings, schematics, and other documents, and were presented to Applicant's counsel without any explanation as to their particular contents or their relevance to the allegation of Mr. Mantha's inventorship of subject matter claimed in the BJC Patent Applications. A brief summary of certain items included in the Mantha Materials is provided. Due to the confidential and/or sensitive nature of certain portions of the Mantha Materials (e.g., identification of BJC's clients and third-party vendors, identification of BJC's business contacts, BJC financial data, and other BJC confidential business information), certain pages of the Materials have been redacted (as indicated by "<REDACTED>" or "<R>") or removed entirely. If the Examiner requests, information presently redacted or removed may be provided in subsequent submissions. For completeness, all of the Mantha Materials provided to the undersigned is submitted as Reference 4 in this IDS, (except for the pages redacted or removed for confidentiality reasons as discussed above) without regard to the fact that it may not be considered relevant to any inventorship issue.

1. August 1, 2006 letter from Charles Crompton of Latham & Watkins LLP (counsel for Finesse) to the undersigned of Knobbe, Martens, Olson, & Bear LLP (counsel for Applicant Broadley-James Corporation) which was received with the Finesse/Mantha documents labeled FI0000049-FI0000269 (hereinafter referred to as the "Mantha Materials").

This letter (and the Mantha Materials enclosed therein) was received after the undersigned conducted an in-person review of documents at Mr. Crompton's office in San Francisco on July 25, 2006. This letter includes Mr. Crompton's unsubstantiated conclusion that Mr. Mantha to be an inventor, stating "in my view, what you reviewed were documents establishing that Mr. Mantha invented what is claimed in the patent applications referred to in your letter" (referring to the Applications). Mr. Crompton provided no other information to the undersigned, other than the assertion that Mr. Mantha worked on preparing a prototype and the Mantha Materials, to explain or provide basis for his assertion. Accordingly, there is nothing in

this letter that establishes Mr. Mantha to be an inventor of subject matter claimed in the Applications.

2. Mantha Materials FI0000049-FI0000050: This is a Confidential Disclosure Agreement (“CDA”) between BJC and ATS executed on June 17, 2003 by Michael Mantha for ATS and on July 10, 2003 by Scott Broadley, President of BJC. This CDA appears to impose confidentiality obligations on ATS for BJC’s confidential business and technical information, trade secrets and know-how relating generally to BJC’s BioNet[®] Bioreactor Control System. By executing the CDA, “AdvanceTech agrees to hold any and all such Information in confidence and not to use the Information commercially for its own benefit or the benefit of anyone else, and not to use the information for developing or improving a product or method for anyone...” and “AdvanceTech also agrees to not otherwise disseminate the Information.” By its own terms, the CDA terminates in 2013.

Mr. Mantha executed this CDA after Amgen, Inc. tested BJC’s BioNet[®] System and reported their results in Amgen’s internal BioNet[®] Prototype Evaluation Analysis (FI0000108–125, which was, as stated above, removed from submitted Mantha Materials for confidentiality reasons). Before June 2003, Mr. Mantha was a Caltrol employee supporting Caltrol’s contractual work with BJC, and Mr. Mantha remained a Caltrol employee working with BJC for at least six months after Mr. Mantha executed the CDA. In any event, there is nothing in this letter that establishes Mr. Mantha to be an inventor of subject matter claimed in the Applications.

3. Mantha Materials FI0000051: This is a letter dated December 16, 2003, from Scott Broadley to Mr. Mantha, offering a position of BioNet[®] Product Manager with Broadley-James Corporation. This letter does not establish Mr. Mantha to be an inventor of claimed subject matter in the Applications.

4. Mantha Materials FI0000052: This is an email dated October 31, 2003, between the Scott Broadley, President of Broadley-James Corporation, and Larry West. Certain portions of this email have been redacted for confidentiality reasons. At the date of this email Larry West was an Officer of Broadley-James Corporation. As noted above, Mr. West is now an employee of Finesse. This letter does not establish Mr. Mantha to be an inventor of subject matter claimed in the Applications.

5. Mantha Materials FI0000053: This is email dated January 20, 2004, between Larry West and Mike Mantha regarding AO Genesis. Certain portions of this email have been redacted for

confidentiality reasons. At the date of this email Larry West was an officer of Broadley-James Corporation, and Mike Mantha was an employee of Caltrol and was operating ATS. This letter does not establish Mr. Mantha to be an inventor of subject matter claimed in the Applications.

6. Mantha Materials FI0000054-FI0000055: These are emails between Larry West and Mike Mantha regarding BJC's purchase of physical assets from ATS. At the date of this email Larry West was an Officer of Broadley-James Corporation, and Mike Mantha was an employee of Caltrol. At the date of this email, ATS was assembling BJC's BioNet[®] systems. BJC subsequently decided to assemble its BioNet[®] systems in-house and offered to purchase ATS's physical assets related to the BioNet[®] assembly process. This letter does not establish Mr. Mantha to be an inventor of subject matter claimed in the Applications.

7. Mantha Materials FI0000056-FI0000058: FI0000056 is an email from Scott Broadley to Mike Mantha and Hasit Patel of ATS regarding the assignments for any BioNet[®] material. FI0000057 is an Assignment document for Michael Mantha, FI0000058 is an Assignment document for Michael Mantha. This email does not establish Mr. Mantha to be an inventor of subject matter claimed in the Applications.

8. Mantha Materials FI0000059-FI0000060: These are the first two pages of a three page email dated February 12, 2004, from Larry West, then at BJC, to certain persons at Caltrol. Certain portions of this email have been redacted for confidentiality reasons. The third page of the email was not provided to the undersigned by Mr. Crompton. This email appears to evidence problems with Mr. Mantha's behavior as stated by Larry West, now of Finesse. This email does not establish Mr. Mantha to be an inventor of subject matter claimed in the Applications.

9. Mantha Materials FI0000061-FI0000069: FI0000061-65 is a letter dated March 17, 2004, from the undersigned, counsel for BJC, to Mr. Mantha (ATS), demanding Mr. Mantha immediately cease any conduct in breach of the enclosed CDA, and to strictly adhere to his obligations under the CDA. FI0000066 is a letter dated March 22, 2004, from Kiran Amin to the undersigned responding to his letter (FI0000061-62). FI0000067-69 is a letter from Damon Anastasia of Seyfarth and Shaw LLP (counsel for BJC) also regarding disclosure of confidential material and other matters. These letters do not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

10. Mantha Materials FI0000070-FI0000076: This material is email correspondence of October, 2004, between Mike Mantha, other Caltrol employees, and counsel for Caltrol, Inc.,

regarding BJC's patent application. Certain portions of this email have been redacted for confidentiality reasons. In one email (see, FI0000074), Mike Mantha states to Caltrol that "[BJC] are not far enough along in the patent application to determine if my small contribution would be included" but the emails do not describe what he believes his contribution to be. In another email (see, FI0000075), Mr. Mantha writes that "Caltrol does not have any claims or issues with me being named on that patent application and, if necessary or required, will assign any and all rights to Broadley-James, if requested by them to do so." In another email (see, FI0000076), Mr. Mantha writes "[s]ince they haven't finished preparing the patent application, I do not know what, if anything, I might be named as one of the inventors in the application."

BJC did not name Mike Mantha because BJC's investigations revealed that he did not invent any of the subject matter claimed in the Applications. These emails do not identify what contribution Mr. Mantha is alleged to have made in the Applications nor do they establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

11. Mantha Materials FI0000077-FI0000079: This is email correspondence between Larry West and Mike Mantha (FI0000077), and Kiran Amin (FI0000078-79) regarding certain invoices. Certain portions of this email have been redacted for confidentiality reasons. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

12. Mantha Materials FI0000080: This is a letter dated December 30, 2003, from Scott Broadley (BJC) to Mike Mantha (ATS) and Hasit Patel (ATS) regarding the purchase of ATS's production related documentation, including "all assembly drawings, construction procedures, and jigs." In addition, the letter states that "Broadley-James is willing to purchase the physical assets of ATS at a mutually agreed to price." This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

13. Mantha Materials FI0000081: This is an Acknowledgment of Assignment of Work Product between Caltrol, Inc. and Broadley-James. Certain portions of this document have been redacted for confidentiality reasons. This copy of the Acknowledgement is signed by Scott Broadley on January 22, 2004. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

14. Mantha Materials FI0000082: This is an email dated January 20, 2004, from Larry West to Mike Mantha regarding purchase orders. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

15. Mantha Materials FI0000083: This is an email dated January 25, 2004, from Larry West apparently to ATS regarding purchasing of BJC's purchase of ATS's physical assets. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

16. Mantha Materials FI0000084: This is an email from Scott Broadley to Mr. Mantha and Mr. Patel regarding assignment documents for all of the BioNet[®] material and requesting a list of ATS's tools, computers and other hardware for purchase. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

17. Mantha Materials FI0000085-106: This material includes ATS invoice information and related correspondence between Mr. Broadley and Mr. West, and between ATS and BJC dated on or about February 2004. Certain portions of this material have been redacted for confidentiality reasons. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

18. Mantha Materials FI0000107: This is an email dated March 24, 2003, from Larry West to Mike Mantha (at Caltrol) regarding a purchase order and parts for the BioNet[®]. This email relates to a variety of subject matter including various dealings between BJC and ATS. It does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

19. Mantha Materials FI0000108-FI0000126: This is an Evaluation Report generated by a third party company, describing a BioNet[®] Prototype Evaluation Analysis conducted on or about March, 2003. This Evaluation Report (FI0000108-126) was removed from the submitted Mantha Materials due to confidentiality issues (e.g., as described on the footer on page FI0000108, this is an "<...>, Inc.-Internal" document). Mike Mantha is never mentioned by name in this report. This report does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

20. Mantha Materials FI0000127-FI0000150: These documents include purchase orders and bills of materials relating to BJC's BioNet[®] and Caltrol, Inc., Emerson, and ATS. These purchase orders and bills were removed from the submitted Mantha Materials due to

confidentiality issues. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

21. Mantha Materials FI0000151-FI0000160: This material relates to ATS. FI0000151 is undated correspondence from ATS to Larry West regarding agreements for an assignment of rights and for continuing services by ATS. FI0000152 is undated correspondence from Mr. Mantha to Mr. West regarding a system configuration requirement from BMS. FI0000153-160 appears to relate to particular BioNet[®] system costs. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

22. Mantha Materials FI0000168-FI0000194: This material relates to various parts and assembly information (e.g., assembly bracket pattern illustrated in FI0000176) for the BioNet[®] system. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

23. Mantha Materials FI0000195: This is an ATS invoice dated September 15, 2003, for material sold to BJC. This invoice does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

24. Mantha Materials FI0000196-FI0000219: This material includes correspondence between BJC and ATS from about October 23, 2003 through December 2, 2003. The subject matter of the correspondence includes information on parts used in BioNet[®], particular system configurations for various clients and, more generally, to efforts being made to market the BioNet[®] system. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

25. Mantha Materials FI0000220-FI0000222: This material includes three pages of BJC's preliminary BioNet[®] User Manual describing a portion of a Control Tower enclosure and placement of connection devices. This does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

26. Mantha Materials FI0000223-FI0000236: This material includes email correspondence from BJC's Mr. West and Ms. Kathleen Daugherty to various people, including Mr. Mantha, during the time period of about December 22, 2003 through January 27, 2004. This correspondence was removed from the submitted Mantha Materials due to confidentiality issues. This correspondence generally relates to BioNet[®] system parts and client requirements, and does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

27. Mantha Materials FI0000237-FI0000248: This material includes detailed BioNet[®] system assembly information, including a parts list for a utility tower, a controller assembly, and a utility enclosure back panel assembly. The utility tower parts list is labeled as being from ATS. Such information was used by ATS to assist it in assembling the BioNet[®] system for BJC. This material does not establish Mr. Mantha to be an inventor of the subject matter claimed in the Applications.

28. Mantha Materials FI0000249-FI0000269: This material includes a variety of assembly schematics and diagrams illustrating various circuits, electrical layouts, cabling diagrams, plate drill plans, and device layouts of BJC's BioNet[®] system. As noted above, Mr. Crompton (counsel for Finesse) provided no explanation of how the Mantha Materials FI0000249-269 (or any of the other material) relates to the allegation that Mr. Mantha is an inventor. The Mantha Materials FI0000249-269 contains information that may be used to assemble BJC's BioNet[®] system. It does not indicate the inventorship of Mr. Mantha. A listing of the particular schematics and diagrams is shown below:

- FI0000249: Pulse amplifier schematic
- FI0000250: Field Connection
- FI0000251: Motor/Multicond cable
- FI0000252: Motor/Multicond cable
- FI0000253: Motor/Multicond cable
- FI0000254: Pump Connection
- FI0000255: Watson Marlow Pump to InterLink BT Counter & Analog Output Module I/O Wiring
- FI0000256: High level BioNet[®] system
- FI0000257: Controller enclosure
- FI0000258: Controller enclosure drill plan
- FI0000259: Hand drawn cable diagram
- FI0000260: Back Panel Drill Plan
- FI0000261: Back Panel Assembly
- FI0000262: Utility Cabinet Wiring Diagram
- FI0000263: Utility Tower (UT-4) Top Assembly (Drill Plan)
- FI0000264: Top Assembly
- FI0000265: Utility Tower (UT-4) Plate Drill Plan
- FI0000266: Utility Tower (UT-4) Baseplate Drill Plan
- FI0000267: MFC-SOV Bracket Pattern
- FI0000268: Hand drawn cable assembly diagram
- FI0000269: Hand drawn cable assembly diagram

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This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required. If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Dated: October 19, 2006

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: 

Joseph M. Reisman
Registration No. 43,878
Attorney of Record
Customer No. 20,995
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IDS
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Multiple sheets used when necessary) SHEET 1 OF 1	Application No.	10/723,168
	Filing Date	November 26, 2003
	First Named Inventor	Larry Eugene West
	Art Unit	1744
	Examiner	Nathan Andrew Bowers
	Attorney Docket No.	BROAD.028A

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.		T ¹
	1.	Inventor Declaration and Assignment, as executed by inventor Larry Eugene West on February 5, 2004 for U.S. Patent Application No. 10/723,168, filed on November 26, 2003, Attorney Docket No. BROAD.028A, in two pages.	
	2.	Inventor Declaration and Assignment, as executed by inventor Larry Eugene West on March 25, 2005 for U.S. Patent Application No. 11/057,079, filed on February 10, 2005, Attorney Docket No. BROAD.028CP1, in two pages.	
	3.	Letter dated August 1, 2006, to Dr. Joseph M. Reisman of Knobbe, Martens, Olson & Bear, LLP, from Charles Crompton of Latham Watkins LLP in one page.	
	4.	Documents received from Charles Crompton enclosed in the letter dated August 1, 2006 (reference 3) in 156 pages; such documents are referenced in the attached Information Disclosure Statement as "Mantha Materials." A portion of the Mantha Materials are redacted as described in the Information Disclosure Statement.	
	5.	Letter dated August 24, 2006, to Charles Crompton of Latham Watkins LLP from Dr. Joseph M. Reisman of Knobbe, Martens, Olson & Bear, LLP in three pages.	
	6.	Letter dated September 5, 2006 to Dr. Joseph M. Reisman of Knobbe, Martens, Olson & Bear, LLP, from Charles Crompton of Latham Watkins LLP in two pages.	
	7.	BioNet® Pulse Amplifier Schematic in one page.	
	8.	BioNet® Utility Cabinet Back Panel Assembly in one page.	
	9.	BioNet® Utility Cabinet Wiring Diagram in one page.	
	10.	White board "screen shot" from a meeting on December 9, 2002 regarding the BioNet® System.	

3035649/cfn/101906

Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T¹ - Place a check mark in this area when an English language Translation is attached.